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03/27/2009

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

KENNETH WESLEY MILLS
XXX-XX-8984
P. O. BOX 294621
LEWISVILLE, TX 75029

DEBTOR

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CASE NO. 08-40268-R

CHAPTER 13

ORDER DISMISSING CHAPTER 13 CASE WITH RETENTION OF JURISDICTION

On December 17, 2008, came on for hearing the Motion to Dismiss (the "Motion") filed by Janna L. Countryman, the Standing Chapter 13 Trustee, in the above referenced case. The Court finds that appropriate notice of the Motion and the hearing was given according to the Federal and Local Rules of Bankruptcy Procedure. The Court further finds that this case should be dismissed for the reasons stated in the Motion. The Court also recognizes that a Motion for Administrative Expenses, or an equivalent thereof, filed by the Debtor's attorney is currently pending before the Court or may be filed within the next ten (10) days. Accordingly, pursuant to the authority expressed in *Querner v. Querner* (*In re Querner*), 7 F.3d 1199 (5th Cir. 1993), the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the above referenced Chapter 13 case is hereby DISMISSED; provided, however, that this case shall remain open and the Court shall retain jurisdiction to entertain and to determine all requests for relief, whether raised sua sponte or by any party in interest, pertaining to the compensation to be paid to the Debtor's counsel, so long as any such request is filed before the expiration of ten (10) days after the entry of this order, and to enter any order pertaining thereto which may be appropriate under the circumstances.

IT IS FURTHER ORDERED that any wage withholding orders previously entered in this case are hereby terminated.

IT IS FURTHER ORDERED that any funds remaining on deposit with the Chapter 13 Trustee shall be distributed in accordance with the provisions of the confirmed plan.

Signed on 03/27/2009



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ROBERT C. McGUIRE
UNITED STATES BANKRUPTCY JUDGE